STATE OF VERMONT
SUPERIOR COURT
CRIMINAL DIVISION
BENNINGTON UNIT

State of Vermont
v. Justin Gamache

Case No. 1127-10-13 Bncr

NOTICE OF NON-AGREEMENT, OBJECTION, AND SERVICE-PROTECTION STATEMENT

NOW COMES Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET, appearing pro se, and respectfully gives notice that he does not agree with the Court's May 13, 2026 Decision on Motion denying Motion 33. This Notice is submitted to preserve objection, preserve the record, and prevent silence from being construed as waiver, concession, consent, abandonment, or acquiescence. The First Amendment protects petitioning the government for redress, the Fourteenth Amendment protects due process and access to a fair legal process, and the Vermont Constitution protects recourse to law and prompt justice in Chapter I, Article 4. This filing is made for record preservation and rights protection, not for harassment, delay, bad faith, contempt, or any improper purpose under V.R.Cr.P. 49(d), V.R.C.P. 11, or any analogous rule.

Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET, specifically disputes any implication that a self-represented litigant loses the right to object merely because the Court has entered an adverse order. The Vermont Constitution, Chapter I, Article 10, protects the right in criminal prosecutions to be heard by oneself and by counsel, to know the nature and cause of the accusation, and not to be deprived of liberty except by the law of the land. The Vermont Constitution, Chapter I, Article 13, protects writing and publishing sentiments concerning the transactions of government, and Chapter I, Article 20 protects petitioning for redress by petition or remonstrance. These constitutional protections support the limited purpose of this Notice,

which is to state non-agreement, preserve objections, and maintain the record without converting disagreement into defiance.

The Court's May 13, 2026 order cites Zorn v. Smith, 2011 VT 10, paragraph 22, 189 Vt. 219, for the proposition that pro se litigants remain bound by ordinary procedural rules. Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET, does not concede that Zorn authorizes treating a focused, legally grounded, record-preservation notice as sanctionable conduct. Zorn itself recognizes the balance between access to the courts and court control of improper filings, and any sanction procedure under V.R.C.P. 11 requires identified conduct, notice, an opportunity to respond, and a sanction limited to deterrence. This Notice therefore distinguishes lawful objection from repetitive, unsupported, indecipherable, or frivolous filings, and it is submitted with legal authority rather than bare accusation.

The Court's order also referenced V.R.Cr.P. 49(d), V.R.Cr.P. 57, V.R.C.P. 11, and V.R.Cr.P. 42, and Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET, preserves objection to any expansion of those rules beyond their lawful function. V.R.Cr.P. 49(d) concerns signature certification and the good-faith basis of filings, V.R.Cr.P. 57 permits procedure where no criminal rule directly prescribes one, V.R.C.P. 11 concerns certification and sanctions when applied by analogy, and V.R.Cr.P. 42 governs criminal contempt procedure. None of those rules makes mere non-agreement, record preservation, or constitutional objection the equivalent of contempt, bad faith, harassment, delay, improper purpose, or willful noncompliance. Any contrary characterization would require lawful process, specific findings, and a basis beyond the fact that Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET, refuses to agree with an adverse order.

This Notice is also intended to protect the record from any future allegation of improper service by making the filing's function express on its face. It is not a motion, does not request affirmative relief against the State, does not seek an order compelling the State to act, and does not invite or require a State response. Vermont Judiciary guidance recognizes that a certificate of service informs the court how service was accomplished under V.R.C.P. 5(h), and it also recognizes that self-represented parties may file by email when the rule requirements for email filing are met under V.R.C.P. 5(e)(3)-(5). Because this filing is directed only to the Court's own record and the Court's own order, it is filed as a court-only notice of position and non-waiver, while expressly preserving all rights if the Court determines that service is required.

Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET's legal dissertation supports this record-based posture because it analyzes this docket through documentary legal inquiry, plea-scope analysis, and record-based statutory interpretation. That dissertation distinguishes later judicial shorthand from the contemporaneous record and explains that legal meaning must be tested against original entries, governing statutes, and current law, including 13 V.S.A. sections 3002, 6565, 7030, and 7601-7607. The same method applies here because the Court's service characterization must be read through the actual filing, the actual certificate, the rule text, and the limited purpose of the document. A court-only preservation notice should not be recharacterized as a served motion seeking relief from the State when its own text states the opposite.

To avoid any misunderstanding, Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET, does not claim that procedural rules are irrelevant, and he does not file this Notice to evade rules that lawfully apply. He preserves the position that compliance with any procedural directive, including any future service directive under V.R.C.P. 5(b), V.R.C.P. 5(h), V.R.Cr.P. 49, or the Vermont Rules for Electronic Filing, shall not be construed as agreement with the Court's May

13, 2026 reasoning. Procedural compliance, if undertaken, is non-waiver, non-consent, and non-concession. The protective legal point is narrow: a self-represented party may preserve disagreement and may clarify service posture without surrendering constitutional rights, statutory arguments, procedural objections, or record-based legal positions.

For these reasons, Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET, respectfully gives notice that he does not agree with the denial of Motion 33 and preserves every objection, right, remedy, argument, and lawful avenue of review. Nothing in this Notice shall be construed as waiver, concession, admission, abandonment, consent, contempt, harassment, delay, bad faith, improper purpose, willful violation, or agreement with any disputed ruling, factual characterization, procedural conclusion, or legal determination. This Notice is grounded in the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, Chapter I, Articles 4, 10, 13, and 20 of the Vermont Constitution, V.R.Cr.P. 49, V.R.Cr.P. 57, V.R.Cr.P. 42, V.R.C.P. 5, V.R.C.P. 11, V.R.E.F. 9, 13 V.S.A. section 6565, and the record-based statutory analysis preserved in the legal dissertation. Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET, reserves all rights.

Respectfully submitted,

Dated: May 13, 2026

/s/ Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET

Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET
Pro Se

CERTIFICATE OF COURT FILING AND SERVICE-POSITION STATEMENT

I certify that this Notice of Non-Agreement, Objection, and Service-Protection Statement is filed with the Vermont Superior Court, Criminal Division, Bennington Unit, for the Court's record only. This document is not filed as a motion, does not request relief from the State, does not seek a response from the State, and is submitted as a court-only record-preservation notice. If

the Court determines that any additional service step is required notwithstanding this stated posture, Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET, respectfully preserves all objections and requests that the filing be treated as a good-faith non-waiver notice rather than as willful noncompliance.

Dated: May 13, 2026

/s/ Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET

Justin-Ames Gamache®, M.Ed., M.S., PMCert-ET
Pro Se